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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,186	01/21/2004	Kia Silverbrook	RRA31US	2107
24011	7590	04/04/2006	EXAMINER	
SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, NSW 2041 AUSTRALIA			GARCIA JR, RENE	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/760,186

Applicant(s)

SILVERBROOK, KIA

Examiner

Rene Garcia, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 objected to because of the following informalities: space needed in line 9 between "eachother". Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xiao et al. (US 6,120,138) in view of Yuen (US 2004/0055661).

Xiao et al. disclose the following claimed limitations:

- *regarding claim 1, printing fluid/**ink, 10/** dispenser/**ink supply, 300/** including:
 - *housing/**300/** comprising first/**case, 310/** and second/**plunger, 330/** portions movable relative to each other (base/**310/** includes cap/**334/** which plunger/**330/** moves through) (fig. 5)
 - *reservoir of printing fluid/**10/** (space between piston/**320/** and inner portion of case/**310/**) responsive to relative motion of the first/**310/** and second/**330/** portions and having an outlet/**nozzle, 314/** arranged to convey the printing fluid/**10/** to a point external/**cartridge, 400/** to the housing/**300/** (fig. 5; col. 3, lines 26-31)
 - *first/**310/** and second/**330/** portions include mated feature/**shank, 332 & central hole, 338/** arranged to prevent motion of said portions relative to each other until a predetermined level of operative force is applied across said portions (fig. 5; col. 2, lines 56-67)

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*regarding claim 3, first/**310/** and second/**330/** portions comprise a base/**case, 310/** and plunger/**plunger, 330/** (fig. 5)

*regarding claim 4, mated feature/**shank, 332 & central hole, 338/** comprise one or more complementary protrusions formed into opposing walls of the base/**310/** and plunger/**320/** (fig. 5)

* regarding claim 5, printing fluid/**ink, 10/** dispenser/**ink supply, 300/** including:

* housing/**300/** including a base/**case, 310/** slidably engaging a plunger/**plunger, 330/** (base/**310/** includes cap/**334/** which plunger/**330/** moves through) (fig. 5)

*outlet/**nozzle, 314/** arranged to convey the printing fluid/**10/** to a point external/**cartridge, 400/** to the housing/**300/** (fig. 5, lines 26-31)

*plunger/**310/** and the base/**330/** portions include mated /**shank, 332 & central hole, 338/** arranged to prevent the plunger and the base from moving relative to each other until a predetermined level of operative force is applied across said plunger and the base (fig. 5; col. 2, lines 56-67)

Xiao et al. does not disclose the following claimed limitations:

*regarding claims 1 and 5, substantially less operative force is necessary to effect relative movement

*regarding claim 2, reservoir comprises a deformable container located within the housing and wherein bringing the first and second portions towards each other causes compression of said container

*further regarding claim 5, deformable container containing a full complement of print fluid

*locating the deformable container

*outlet coupled to the deformable container

Yuen disclose the following:

*regarding claims 1 and 5, substantially less operative force is necessary to effect relative movement (paragraph 0062 – housing members/12 and 14/ include alignment structure/20/ and piercing member/26/ which needs to pierce gasket/19/, inherent feature of piercing (puncture) that it requires more force to initially pierce a structure and once that has been accomplished less force to continue thru; therefore when threading housing members 12 and 14 towards each other with piercing structure between the two more force is initial required) for the purpose of providing a sealed structure of storing ink until it is require to be transferred to a another container.

* regarding claim 2, reservoir comprises a deformable container/**ink pouch, 16/** (paragraph 0047 & 0048) located within the housing/**ink fill apparatus, 10/** and wherein bringing the first/**first housing member, 12/** and second/**second housing member, 14/** portions towards each other causes compression of said container/**16/** (figs. 4 & 5; paragraphs 0047 & 0048) for the purpose of permitting ink pouch to be essentially flattened to force ink into cartridge

*further regarding claim 5, deformable container/16/ containing a full complement of print fluid/ink/ (paragraph 0063) for the purpose of permitting ink pouch to be essentially flattened to force ink into ink cartridge and completely filling ink cartridge

*locating the deformable container/16/ (paragraph 0062 & 0036) for the purpose of facilitating ink flow from the compressible pouch to the container to be filled with ink

*outlet/inlet/outlet, 86/ coupled to the deformable container/16/ (figs. 4 & 11) for the purpose of forming a fluid connection between the ink pouch and ink cartridge to be refilled

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize substantially less operative force is necessary to effect relative movement; reservoir comprises a deformable container located within the housing and wherein bringing the first and second portions towards each other causes compression of said container; deformable container containing a full complement of print fluid; locating the deformable container; and outlet coupled to the deformable container as taught by Yuen into Xiao et al. for the purposes of providing a sealed structure of storing ink until it is require to be transferred to a another container; permitting ink pouch to be essentially flattened to force ink into cartridge; permitting ink pouch to be essentially flattened to force ink into ink cartridge and completely filling ink cartridge; facilitating ink flow from the compressible pouch to the container to be filled with ink; and forming a fluid connection between the ink pouch and ink cartridge to be refilled.

Response to Arguments

4. Applicant's arguments with respect to claim 1-5 have been considered but are moot in view of the new ground(s) of rejection as outlined above. Yuen includes a piercing member,

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gasket and alignment structure for use in the system, which requires more force to pierce the seal at initial impact while threading housing members towards one another.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


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Communications with the USPTO

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rene Garcia, Jr. whose telephone number is (571) 272-5980. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Rene Garcia Jr
02 April 2006


K. FEGGINS
PRIMARY EXAMINER